REMARKS

Claims 9-17, 22-29, 38-46, 51-58, 60, 62 and 63 are pending in the present application. Reconsideration of the claims is respectfully requested.

I.   Claim Status Clarification

According to Applicants records, Claims 9-17, 22-29, 38-46, 51-58, 60, 62 and 63 are pending in the present application. Claims 1-62 were rejected in an Office Action dated November 6, 2002. In response thereto, Applicants amended Claims 9, 38 and 60; cancelled Claims 1-8, 18-21, 30-37, 47-50, 59 and 61; and added Claim 63. This is in contrast to the Examiner's claim status, which indicates that Claim 61 is still pending, and that Claim 62 was newly added.

II.   35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 22-29 and 51-58 under 35 U.S.C. § 102 as being anticipated by Dustan et al. This rejection is respectfully traversed.

Regarding Claims 20, 25, 26, 28, 51, 54, 57 and 62, the Examiner states that Dustan et al figures 5 and 6 teach a system and method for securely accessing information from data sources through a network such that Applicants' step of sending a first request reads on the menu selection at step 218, Applicants' credential reads on the account number and password at step 176, Applicants' session identification reads on step 216, and Applicants' second request reads on step 234. As to this assertion, Applicants respond as follows.

Claim 20 was previously cancelled, so Applicants deem the assertion regarding Claim 20 to be moot.

Applicants assume that Claim 62 was meant to be included in the list of claims in paragraph 3 where the claims subject to the 102(b) rejection were listed. If this assumption is incorrect, further clarification is requested.

As to the assertion that Applicants' step of sending a first request reads on the menu selection at step 218, further clarification is requested as Applicants do not see a claimed step of sending a first request in any of these rejected claims.

As to the assertion that Applicants' second request reads on step 234, further clarification is requested as Applicants do not see a claimed second request in any of these rejected claims.

Regarding Claim 22 (and dependent claims thereof), Applicants show that the cited reference does not teach the claimed steps of "retrieving a session data structure including a second credential in response to the session identification being valid" or "determining whether the first credential and the second credential match". Nor has the Examiner alleged such a teaching. In rejecting Claim 22, the Examiner merely states that "Dustan et al teach that the session id is also verified, column 9, lines 27-30". Applicants show that in addition to claiming "determining whether the session identification is valid", Claim 22 also recites "retrieving a session data structure including a second credential in response to the session identification being valid;" and "determining whether the first credential and the second credential match". The cited reference does not teach, nor has the Examiner alleged a teaching of, these claimed steps and hence it is shown that Claim 22 has been erroneously rejected under 35 U.S.C. 102(b). For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Since every element of the claimed invention is not identically shown in the cited reference, this reference does not anticipate the claimed invention.

These missing claimed elements, in combination with the remaining elements of Claim 22, advantageously improve security in a data processing system by use of a second credential associated with the session data, whereby not only must the received session identification be valid, but in addition a received first credential must match this second credential associated with the session data. The cited prior art does not provide this type of functionality.

Applicants traverse the rejection of Claim 51 (and dependent claims thereof) and 62 for similar reasons to those given above regarding Claim 22.

Therefore, the rejection of Claims 22-29, 51-58 and 62 under 35 U.S.C. § 102 has been overcome.

III.   35 U.S.C. § 103, Obviousness

A.   The Examiner rejected Claims 9-17, 38-46, 60 and 63 under 35 U.S.C. § 103 as being unpatentable over Dustin et al in view of Shi et al. This rejection is respectfully traversed.

With respect to Claim 9 (and dependent claims thereof), none of the cited references teach or suggest the claimed feature of "determining whether the credential is valid for *both* the client and the session data" (emphasis added). Nor has the Examiner alleged any such teaching or suggestion. Therefore, the Examiner has failed to establish a prima facie showing of obviousness. To establish prima facie obviousness of a claimed invention, *all* of the claim limitations must be taught or suggested by the prior art. (emphasis added) MPEP 2143.03. *See also,* In re Royka, 490 F.2d 580 (C.C.P.A. 1974). In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. Id. If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

As a prima facie case of obviousness has not been made with respect to Claim 9 (and dependent claims thereof), the burden has not shifted to Applicants to rebut an assertion of obviousness. Hence, the rejection of Claim 9 (and dependent claims thereof) has been successfully traversed.

Applicants traverse the rejection of Claim 38 (and dependent claims thereof), Claim 60 (and dependent claims thereof) and Claim 63 for similar reasons to those given above regarding Claim 9.

B.   The Examiner rejected Claims 6, 15, 27, 35, 44 and 56 under 35 U.S.C. § 103 as being unpatentable over Dustin et al in view of Beyeh et al. This rejection is respectfully traversed.

With respect to Claims 6 and 35, Applicants show that such claims have previously been cancelled and hence the rejection of these claims is shown to be moot.

With respect to Claims 15, 27, 44 and 56, Applicants traverse for reasons given above regarding independent Claims 9, 22, 38 and 51, of which these claims ultimately depend upon, respectively.

C.   Therefore, the rejection of Claims 9-17, 27, 38-46, 56, 60 and 63 under 35 U.S.C. § 103 has been overcome.

IV.   Paragraph 18 Comments by Examiner

In paragraph 18 of the present office action, the Examiner notes that Applicants appear to be making inconsistent arguments in that in one instance Applicants argue that Dustan fails to teach determining whether the first credential and the second credential match, but yet in another argument state that Dustan teaches a determination of whether the first credential matches a session data structure credential. In order to set the record straight, Applicants note that there was a typographical error in one sentence of their previous response. On page 10 of the response, in the discussion regarding Claim 22, the sentence reading:

"Subsequent requests check the supplied session ID (Dustan Figure 6, block 238), but do determine whether a first credential matches a session data structure credential."

inadvertently left out the word "not", and the sentence was intended to state the following:

"Subsequent requests check the supplied session ID (Dustan Figure 6, block 238), but do *not* determine whether a first credential matches a session data structure credential." (emphasis added)

Use of the word "but" immediately prior to the word "do" confirms this intention, as the word "but" is used to counter or contrast what was just stated. If the word "not" was not intended to be included, the sentence would have used the word "and" instead of "but" to

show that the two phrases convey similar thoughts. Instead, use of the word "but" shows an intention to contrast the first phrase with the second phrase, in that a check is made for one (checking session ID) but not for the other (whether first credential matches a session data structure credential). In any event, it is Applicants' position that the cited reference does NOT teach a determination that the first credential matches a session data structure credential.
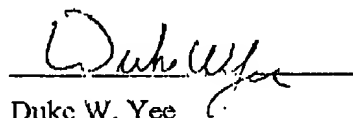
V.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: ___7/21/03___

Respectfully submitted,

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